

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ADALBERTO M. ANDRADE
Petitioner,

Vs.

John Ashcroft, Attorney General
of the United States,
Tom Ridge, Secretary, Department
of Homeland Security,
Michael Garcia, Secretary, Bureau
of the Immigration & Customs Enforcement,
Craig Robinson, Field office Director,
of Detention & Removal for Louisiana
Immigration & Customs Enforcement.
Anthony S. Tantement, Director
office of Detention and Removal for ICE,
Steven Farquharson, District director
ICE for the District of Massachusetts.

Agency No. A76-487-012
Civil Act No. _____

PETITION FOR A WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

Petitioner, Adalberto Andrade, Pro-Se, hereby petitions this Honorable Court for a Writ of Habeas corpus in the above styled and numbered cause, seeking an injunction to remedy his continued unlawful detention.

This petition is filed pursuant to 28 USC § 551 et. seq; and the Immigration and Naturalization Act, 8 USC § 1101 et seq; for declaratory and injunctive relief to protect his rights under the due-process clause of the Fifth Amendment and other Applicable Federal Laws.

In support of this petition and complaint for relief, Petitioner alleges as follows:

1. CUSTODY.

Mr. Andrade is in the physical custody of Respondents and the Secretary, for the Department of Homeland Security, Mr. Tom Ridge, pursuant to the 2002 Homeland Security Act, certain Functions including detention and removal of the Former ("INS") were transferred from the Department of Justice, and Remand the Bureau of Immigration and Customs Enforcement ["BICE"] under the Department of Homeland Security ["DHS"].

Mr. Ridge's agent the New Orleans, interim field director, and Respondents has contracted with different facilitys to house immigration detainees such as petitioner.

Andrade was taken into Custody by the then INS (now "ICE") in Massachusetts, and was transferred to different states including Rhode Island, Middle and Western District of Louisiana and now Northern District of Alabama. The petitioner may be transferred to another jurisdiction in a few weeks or months.

Although the First Circuit has held that the District Director of the region where an alien is detained is the Habeas Petitioner's Custodian. See Vasquez v. Reno, 233 F. 3d 686 (1th Cir 2000), the Court also permits aliens to name the Attorney General as a Custodian where as in this case, the INS has "spirited an alien from one site to another in an attempt to manipulate jurisdiction" Vasquez at 696. See also Ramon v. Ashcroft, 340 F. 3d 314, 324-25 (6th Cir 2003) (noting that exception might be appropriate if the INS were to exercise transfer power in a effort to evade aliens Habeas petition). In this case Andrade submits that his transfer to different jurisdiction at the time when Habeas challenge is likely to be filed constitute an extraordinary circumstances warranting a departure from the immediate custodian rule.

Petitioner is under the direct control of Respondents and their agents. Thus, this Court should find John Ashcroft, Tom Ridge and their agents the proper Respondent in the Circumstances of this case. 28 USC § 2241 exposes his detention for Habeas Corpus purposes.

2. JURISDICTION

It is by now well settled that District Courts retains jurisdiction over statutory and constitutional challenge to final order of removal. See INS v. St. Cyr, 121 S. Ct. 2271 (2001) See also ZADVYDAS v. DAVIS, 533 U.S. 678 (2001).

3. VENUE

Although the Petitioner, a resident of Massachusetts, and a Massachusetts conviction is currently detained in Alabama, he avers that Venue is proper in this Forum-because the INS in an attempt to manipulate jurisdiction and Venue of this case has transferred him from one site to another.

As discussed above where as in this case where the Government transfers aliens between Districts, an extraordinary circumstances exists that may permit the naming of the Attorney General. See vasquez, supra:

Moreover, the traditional principles of Venue applies in Habeas cases like this case. See Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 500 (1973).

This traditional Venue consideration affect the propriety of Venue in the District of Massachusetts where (1) material event i-e petitioner's conviction occurred in Massachusetts; (2) where the record though now in Alabama may be transferred to Massachusetts; and (3) where both the Government and the petitioner will not be inconvenienced by retaining Venue of this case in Massachusetts.

Given the petitioner's choice of Forum and the fact that Respondents could not possibly claim that Massachusetts will be inconvenient, the Court should find Venue appropriate in Massachusetts. See Walters V. Ashcroft, 291 F. supp. 2d. 237 (SDNY 2003).

4. PARTIES

Petitioner is a 39 years old male native and citizen of Cape verde. He was admitted to the United States in 1988 at age of 24 years old. His family members includins siblings and parents are all either U.S citizens or lawful permanent residents, and reside in State of Massachusetts.

Respondent Tom Ridges is the Secretary for the newly created department of Homeland Security(DHS). Under the 2002 Homeland Security Act the former "INS" was abolished and its functions transferred to the DHS and remanded the Bureau of Immigration and Customs Enforcement ("BICE"). In that context, Mr. Ridge is Responsible for the implementation of the "BICE" laws pursuant to 8USC § 1103. He is now charged with taking into custody of removable aliens, a duty for newly vested under the Attorney Generals office. 8 USC 1226(c); Mr. Ridge is sued in his official capacity.

Respondent Michael Garcia is the Secretary for the Bureau of immigration and Customs Enforcement. He has the responsibility for the administration, implementation and enforcement of all immigrations laws. He is sued in his official capacity.

Respondent Craig S. Robinson is the field office Director of Detention and removal for New Orleans District. He administers the Bureaus day-to-day business in this District. Mr. Andrade is detained in Alabama Northen District. This Respondent is sued in his official capacity.

Respondent Anthony S. Tanager is the Director of the office of Detention and removal for the Bureau of immigration and Customs Enforcement.

In that capacity he is also made party to this suit.

Respondent Steven Farquharson is the District Director ("ICE") for the District of Massachusetts.

Respondent Department of justice and Homeland Security are made party defendants responsible for the overall detention and removal of all aliens similarly situated as this petitioner.

5. FACTUAL ALLEGATIONS.

Petitioner is a 39 years old male native and citizen of Cape Verde. Petitioner was admitted to the United States at Boston, Massachusetts in 1988 when he was approximately 24 years old. He adjusted his status to that of lawful permanent resident on June 19, 1998 based upon his marriage to his current spouse, who is native citizen of United States, with they have two U.S. citizen children, Kelsey Adara Andrade 8, and Arriana Lourena Andrade 6, they all reside in state of Massachusetts.

On February 23, 1995, petitioner was convicted in the state of Massachusetts of possession of a firearm without a firearm identification card, and sentenced to 6 months suspended and one year probation. On February 22, 1996 the petitioner was discharged and probation was terminated. On December 16, 1996, petitioner was convicted in the state of Massachusetts of violating a protective order and assault & battery, for which he received a sentence of one year suspended. On December 1997 petitioner was discharged and probation was terminated.

On October 1999, the INS charged petitioner removal pursuant to § 237)(a) (2)(A)(iii) ((convicted of an aggravated felony), and 237 (a)(2)(C) (Firearm conviction). On October 1999, the petitioner was taken into the INS custody.

Petitioner was ordered removed on December 3, 1999. Petitioner appealed to the BIA. While on appeal petitioner was released under #7000 bond. While on his release petitioner convicted on A&B, and was sentenced to 11 months sentence and 8 months suspended.

On or about February 6, 2001 petitioner was taken back to the custody of the INS, and has remained continuously since that date.

On August 1, 2002 after petitioner appeal was remanded for further proceeding, the Immigration Judge denied his application for adjustment of status and ordered petitioner removed to Cape Verde. Petitioner again appealed to the BIA. On or about February 5, 2003 the Board affirmed without opinion the decision of the IJ, and the order of deportation became administratively final. Since the INS did not review

his custody status until January 2004, when it served petitioner with "Notice to Alien to File Custody Review". The six month presumptive period expires in August 2003. See attached herewith are the documents submitted to the INS for petitioner custody review. Exhibit 1.

On or about March 9, 2004, the INS served petitioner with a "decision to continue detention". The decision alleged that because ["Andrade"] conviction involve the weapon and because a travel document can be obtained make Andrade a danger to the society and flight risk." See exhibit 2.

However, the decision did not alleged that a travel document is currently available. To the contrary, the Cape Verdian consulate has informed the petitioner that it will not issue a document for his removal because of his family ties in the United States, such is wife, infant children and relatives.

In Zadvydas v. Davis, 533 U.S 678 (2001), the Supreme Court in held that six months is the presumptively reasonable period during which INS may detain aliens in order to effectuate their removal ID. at 702. Interim administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. § 241.13 (b)(2)(ii).

Petitioner was ordered removed on August 1, 2002, and the removal became final on February 5, 2003. Therefore, the six-month presumptively reasonable removal period for petitioner ended on August 2003.

CLAIMS FOR RELIEF COUNT ONE STATUTORY VIOLATION

Petitioner continued detention by Respondent is unlawful and contravenes 8 U.S.C. § 1231 (a)(6) as interpreted by the Supreme Court in Zadvydas. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and petitioner continues to languish in detention. Petitioner 's removal to Cape Verde or any other country is not significantly

likely to occur in the reasonably foreseeable future. The Supreme Court held in Zadvydas that the INS continued detention of someone like petitioner under such circumstances is unlawful.

COUNT TWO SUBSTANTIVE DUE PROCESS VIOLATION

Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. Zadvydas recognized that the INS may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which INS may detain an alien is only six months. Petitioner has already been detained in excess of six months and Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

COUNT THREE PROCEDURAL DUE PROCESS VIOLATION

Under the due process clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. The INS does not make decisions concerning aliens custody status in a neutral and impartial manner. The failure to Respondents to provide a neutral decisionmaker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. Further, Respondents have failed to acknowledge or act upon the Petitioner administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates Zadvydas.]

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of petitioner;
- 4) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 50 Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Dated: April 28, 2004

Respectfully Submitted

Adalberto Andrade
Adalberto M. Andrade Pro-Se
INS #A76-487-012
Etowha County Jail
827 Forrest Ave
Gadsden Alabama 35901

Exhibit 1

Notice to Alien to File Custody Review

Adalberto M. Andrade
#15133-265
Federal Detention Center
P.O. Box 5010
Oakdale, LA. 71463.

January 8th, 2003.

Steve Durio, Deportation Officer
United States Immigration and
Customs Enforcement,
1010 East Whatley Road
Oakdale, LA. 71463.

RE: NOTICE TO ALIEN TO FILE CUSTODY REVIEW
ALIEN FILE NO. ~~476-487-012~~

Dear Mr. Durio:

In response to the "Notice to alien to file custody review" delivered on December 2003, and pursuant to Title 18, section 371 of the United States Code, I am respectfully submitting this letter and the attached documentation in support of my request for release from custody under an Order of Supervision.

My continued separation from my family has cause an extreme hardship and threatens the survival of my family structure. My removal will create a harsher hardship on my family, than that compared to the ordinary person.

Listed below are the factors to be considered in evaluating my suitability for release from custody.

1. Nature and Seriousness of Conviction:-

The convictions for which the BICE seek to deport me and majority of my other criminal history involves a domestic altercation with my spouse which was a result of my wife's problem. She was abused as a child. I did not know about this problem until we went to a counselling and we have take steps through counseling and other treatment programs to alleviate the problems.

My wife has written both the immigration and the criminal court, and has written this office to express her forgiveness of my misconduct, and has written this office to express her desire to have me back in her life as a member of the family.

While I express my remorse and regrets for my criminal past, I believe, if my wife could forgive me, this office should.

2. Prior Criminal History:

As noted above, all my criminal history involve domestic altercation with my spouse, attributed in part to my wife's problem.

3. Sentence Imposed and Time Actually Served:

The trivial nature of my criminal indiscretion is demonstrated by the court's imposition of non-custodial sentences for all my offenses, e.g. Probationary sentence, and suspended sentence. Thus, this office should find that I am not a danger to the society and order my release under an order of supervision.

4. History of Failure to Appear in Court:

I have never failed to appear in any court proceedings when required to do so. In fact, I was released on bond by the Immigration Judge and complied with all the condition of my bond. Therefore, there is a clear indication that I am not a flight risk.

5. Disciplinary Problems While Incarcerated:

I have never been cited by the Bureau of Prisons for violating any rules or regulation. I have maintained clear conduct and I am a model inmate.

6. Evidence of Rehabilitation:-

This is where I have clearly distinguished myself from other inmates. Within the prison system, I have demonstrated an impressive rehabilitation records as evidenced by the attached certificates. I have worked very hard to attain said record.

In addition to the educational, vocational and other achievement, I maintained two jobs at the institution as a Food Service, and Recreation Orderly. In my position as a Recreation Orderly, I am a Guitar instructor and helped other inmates occupied their leisure time with the Guitar lesson. I am also the Photographer at FDC.

7. Equities in the United States:

I have significant and outstanding family ties in the United States. At the time of my arrest, I was the sole care provider for my wife and two children. While in prison, I have been directly supporting my family, both financially and emotionally.

I have included letter from my family as part of this custody review package to show their support and willingness to have me out there as a member of the family.

Extreme Hardship:-

My continued detention will cause my family to suffer extreme hardship on my immediate family. My eight years old daughter Kelsey Andrade, had began to have problems with concentrating on her school work, and her grade had declined. she been crying hysterically in school asking for her daddy.

My detention had also takes its toll on my wife's health. She suffers from Asthma and Depression and other health problems associated with my detention.

Finally, due to my incarceration, my wife has been unable to keep up with the bill and the rent for our residence. At this time she can be reached at:

Kelly Ann Andrade
1811 N. Delsea Drive, # 27
Vineland, New Jersey 08360.
Telephone No. (856)-641-7212

If you have any further question with regards to this letter, you may contact me at FDC-Oakdale, or contact my wife at the above address.

WHEREFORE, For the reasons stated above, I humbly move this office to examine the compelling and exceptional circumstances surrounding my case, and release me under supervision so that I will be able to join my family, return to meaningful employment and no longer a financial burden to the society.

Thank you for your time and consideration of this matter.

Respectfully Submitted,


Adalbero M. Andrade

BP-S324.052 WORK PERFORMANCE RATING - INMATE CDFRM

OCT 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate's Name Andrade	Register No. 15133-265	Unit A1-A
Evaluation Period 7-1-03 to 12-31-03	Work Assignment Food Svc - Warehouse Clerk	

Bonus Justification

Signature and Date of Dept. Head Approval

Route to Dept. Head for Review, Then to Unit Team

Instructions: Circle the best statement in each area. Base your rating on the inmate's overall performance for the rating period--neither the inmate's best day nor worst day--as compared to what is expected of a satisfactory worker in the assignment.

A. QUALITY OF WORK

1. Unsatisfactory. Makes more errors than should for this level of training. Work must be redone.
2. Fair. Careless; makes mistakes and does not check work. Should do better work.
3. Satisfactory. Makes some mistakes but no more than expected at this level.
4. Good. Makes fewer mistakes than most inmates at this level of training. Does Journeyman level work.
- 5 Outstanding. Does superior work

B. QUANTITY OF WORK

1. Unsatisfactory. Lazy, wastes time, goof off.
2. Fair. Does just enough to get by. Has to be prodded occasionally.
3. Satisfactory. Works steadily but does not push self.
4. Good. Willing Worker. Does a full day's work and wastes little time.
- 5 Outstanding. Drives self exceptionally hard all the time.

C. INITIATIVE

1. Unsatisfactory. Always waits to be told what to do. Needs help getting started.
2. Fair. Usually relies on others to say what needs to be done.
3. Satisfactory. Can adapt to changes in routine. Will start work without waiting to be told.
4. Good. Can plan own work well. Acts on own in most things. Doesn't wait to be told what to do.
- 5 Outstanding. Has good ideas on better ways of doing things.

D. INTEREST; EAGERNESS TO LEARN

1. Poor. Shows no interest in job. Regards job as a drag or waste of time.
2. Fair. Shows minimal interest but not very eager to learn.
3. Satisfactory. Shows average amount of interest. Wants to learn own job but does not put forth extra effort.
4. Good. Above-average interest in job. Asks questions about own work and related work. May do extra work to improve skills.
- 5 Outstanding. Eager to master job. Wants to know everything there is to know about it. May read up on own time or volunteer to do things that will improve knowledge.

E. ABILITY TO LEARN

1. Poor. Has very low aptitude and is very slow to learn. Even when given extra instruction unable to learn, no matter how hard trying.
2. Fair. Slow but if tries eventually will pick up the skills. Needs more instructions than most.
3. Average. No slower and no faster to learn than most inmates. Requires average amount of instruction.
4. Good. Learns rapidly. Good memory. Rarely makes the same mistake twice.
- 5 Outstanding. Very quick to learn. Excellent memory. Is learning much more rapidly than most inmates assigned here. Never makes the same mistake twice.

F. NEED FOR SUPERVISION; DEPENDABILITY; SAFETY; CARE OF EQUIPMENT

1. Needs constant supervision. If left unsupervised will foul up, get in trouble, or wander off. **Undependable.**
2. Needs closer supervision than most. Not very dependable.
3. Average. Can be relied on for certain things but must be supervised by others. Usually prompt and dependable.
4. Needs little supervision. Good record of dependability and promptness.
- 5 No supervision required. Completely dependable in all things.

(This form may be replicated via WP)

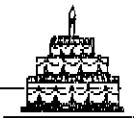
Replaces BP-S324, OCT 94



Dear Sir:

Adalberto Andrade has a
job at Montilio's as soon as
he can be eligible to work.
Please call me at 617 293 5379
at 134 Spark St Brockton Mass.

Jimmy
Get Me



RESTAURANT PANORAMA



Dear Sr.

To whom is my concern, I am writing this letter to inform you (Sir) that **ADALBERTO ANDRADE** has a Job with Restaurant Panorama as soon as he comes out.

Please call me at 1508 - 587-07-81, for more information.

Sincerely,

Henrique Pina



INTERNAL REVENUE SERVICE

Department of the Treasury

Tax Return Listing

Page: 1

Taxpayer Identification Number: 029-80-8471

Tax Period: December 31, 2000

Filing Status: Married filing joint

Exemptions: 4

ADALBERTO M & KELLY A ANDRADE
33 ELM AVE APT 2
BROCKTON, MA 02301-4219332

Form 1040A

LN 7 WAGES	18,973
LN 8a TAXABLE INTEREST	0
LN 8b TAX-EXEMPT INTEREST	0
LN 9 DIVIDENDS	0
LN 10 CAPITAL GAIN DISTRIBUTIONS	0
LN 11a TOTAL IRA DISTRIBUTIONS	0
LN 11b TAXABLE IRA DISTRIBUTIONS	0
LN 12a TOTAL PENSIONS AND ANNUITIES	0
LN 12b TAXABLE PENSIONS AND ANNUITIES	0
LN 13 UNEMPLOYMENT COMPENSATION	0
LN 14a TOTAL SOCIAL SECURITY BENEFITS	0
LN 14b TAXABLE SOCIAL SECURITY BENEFITS	0
LN 15 TOTAL INCOME	18,973
LN 16 IRA DEDUCTION	0
LN 17 STUDENT LOAN INTEREST DEDUCTION	0
LN 19 ADJUSTED GROSS INCOME	18,973.00
LN 25 TAXABLE INCOME	423.00
LN 26 TENTATIVE TAX	62.00
LN 27 CHILD CARE CREDIT	0.00
LN 28 CREDIT FOR THE ELDERLY	0.00
LN 29 EDUCATION CREDIT: F8663	0.00
LN 30 CHILD TAX CREDIT:	62.00
LN 31 ADOPTION CREDIT: F8839	0.00
LN 32 TOTAL CREDITS	62.00
LN 34 ADVANCED EARNED INCOME	0.00
LN 35 TOTAL TAX LIABILITY TP FIGURES	0.00
TOT SS/MEDICARE WITHHELD: F8812	0.00
LN 38 FEDERAL WITHHOLDING	1,909.00
LN 37 ESTIMATED TAX PAYMENTS	0.00
LN 38a EARNED INCOME CREDIT	2,564.00
LN 38b NONTAXABLE EARNED INCOME	0.00
LN 39 ADDITIONAL CHILD TAX CR: F8812	0.00
LN 40 TOTAL PAYMENTS	4,473.00
LN 42a REFUND AMOUNT	4,473.00-
LN 43 APPLIED TO 2001 ESTIMATED TAX	0.00
LN 44 AMOUNT DUE	
LN 45 ESTIMATED TAX PENALTY	0.00

Schedule EIC

CHILD 1	
LN 1 CHILD'S NAME CNTRL	ANDR
LN 2 SSN	012-82-4415
LN 3 YEAR OF BIRTH	1998
LN 4 a/b STUDENT/DISABLED	0
CHILD 2	
LN 1 CHILD'S NAME CNTRL	ANDR
LN 2 SSN	012-80-5499
LN 3 YEAR OF BIRTH	1996
LN 4 a/b STUDENT/DISABLED	0

7/17/04
 AUTHORIZED AND SIGNED
 FOR EIC 6126 BY (S) AD, DA
 Photography has the right legal
 representation
 AD
 DA

OAD2G * INMATE EDUCATION DATA * 01-06-2004
 PAGE 001 OF 001 * TRANSCRIPT * 08:16:30
 PEED
 REGISTER NO: 15133-265 NAME.: ANDRADE
 FORMAT.....: TRANSCRIPT RSP OF: OAD-OAKDALE FDC FUNC: PRT

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START	DATE/TIME	STOP	DATE/TIME
OAD	ESL EXEMPT	ESL NEED-PERMANENTLY EXEMPT	11-03-1999	1813	CURRENT	
OAD	GED XN	EXEMPT GED NON-PROMOTABLE	11-03-1999	1813	CURRENT	

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START	DATE	STOP	DATE	EVNT	AC	LV	HRS
OAD	ADVANCED TYPING AM	01-20-2003	CURRENT						
OAD	INTERMEDIATE GUITAR	07-16-2001	CURRENT						
OAD	ADVANCED TYPING AM	01-24-2003	05-21-2003	P	C	P			148
OAD	INTERMIDIATE TYPING AM 8:00	11-25-2002	01-24-2003	P	C	P			39
OAD	BASIC TYPING	10-15-2002	11-25-2002	P	C	P			28
OAD	HOBBYCRAFT CLASS 1	05-12-2002	09-22-2002	P	C	P			16
OAD	HOBBYCRAFT CLASS 3	08-20-2002	10-10-2002	P	C	P			16
OAD	HOBBYCRAFT CLASS 2	04-04-2002	05-21-2002	P	C	P			10
OAD	ADVANCED GUITAR	07-16-2001	08-20-2001	P	W	I			6
OAD	INTERMEDIATE GUITAR	05-24-2001	07-02-2001	P	C	P			6
OAD	BEGINNING GUITAR	04-10-2001	05-24-2001	P	C	P			6
OAD	TRAILS OF LIFE SERIES	12-17-1999	01-21-2000	P	W	I			2
OAD	PM BASICS OF BUSINESS LAW	12-17-1999	01-21-2000	P	W	I			2

PLYMOUTH COUNTY CORRECTIONAL FACILITY

Certificate of Completion

Adrian D. Hall
Adrian D. Hall

Has successfully completed a program on

ANGER MANAGEMENT

Given on this 26th day of January 2001

Janet P. Hall
Instructor

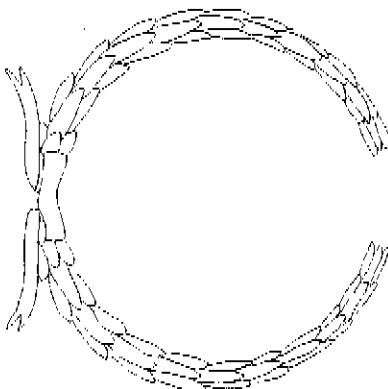
S. A. T.
Program Supervisor

Certificate of Recognition

Congratulations to

Adalberto Andrade

on your completion of
Intermediate Typing



Jeanne Hollister
Supervisor of Education

January 17, 2003

Suzanne Hollister
Instructor

Date

Instructor

Certificate of Recognition

Congratulations to

Adalberto Andrade

on your completion of
Beginning Typing

Kenneth D. Olson
Supervisor of Education

November 25, 2002

Date

Darlene Hollister
Instructor

ADALBERTO ANDRADE

Awarded to:

For Outstanding
Performance in the

GUITAR I

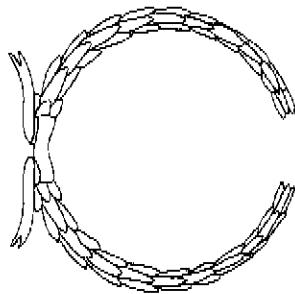

M. PARKER

APRIL 21, 2004

RAMON PERALTA

Certificate of Achievement

awarded to:



Adalberto Andrade

For an Outstanding Performance in Instructing the Guitar Program
for the Recreation Department at the Federal Detention Center,
Oakdale, La.

January 07, 2004

Date:

M. Parker / Program Coordinator

Signed

PARTICIPATION

This Participation Award is
Presented to

ADALBERTO ANDRADE

For Outstanding Participation

in the

GUITAR 2

M. Parker
M. PARKER

ADALBERTO ANDRADE

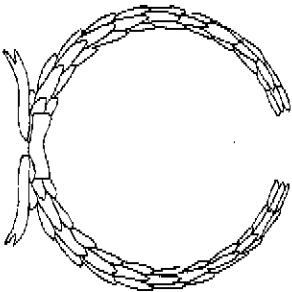
Presented to

for Participating
in

GUITAR 3

M PARKER

Certificate of Achievement



awarded to:

Adalberto Andrade

For an Outstanding Performance in the Photography Program
for the Recreation Department at the Federal Detention Center,
Oakdale, La.

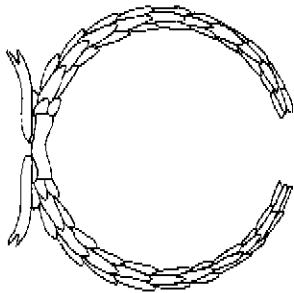
January 07, 2004

M. Guillory / Program Coordinator

Signed M. Guillory

Date:

Certificate of Achievement



awarded to:

Adalberto Andrade

For successfully Officiating various sporting events for the
Recreation Department at the Federal Detention Center, Oakdale, La.

January 07, 2004


D.T. Townley/Program Coordinator

Date:

Signed

TO: WHOM IT MAY CONCERN
FROM: W. Larry
COUNSELOR W. LARRY, OBERLIN UNIT

DATE: JUNE 20, 2002

SUBJECT: DRUG RECOVERY CHALLENGE PROGRAM

ADALBERTO ANDRADE #15133-265

Please be kindly advised and informed through this memorandum that Mr. ANDRADE has been participating in "DRUG RECOVERY CHALLENGE", a substance abuse program here at the Federal Detention Center, Oakdale, LA. This program is designed to educate its participants on the dangers of Crack Cocaine, Alcohol, and other drug use, and abuse. Our organizational format is built around the use of competency-based module/units. The competency based modules feature supportive learning resources, and focus on end results rather than process per se. Our workshop addresses many intense issues, such as relapse prevention techniques, individual counseling sessions, anger management, and sets a tone toward restoring personal and social integrity that may have been jeopardized by the behaviors which led to arrest and conviction.

Mr. ANDRADE has been a positive influence on others during the length of the program and a positive participant. We hope this memorandum will reflect upon his commendable activities here at the Federal Detention Center, Oakdale, LA.

Please feel free to inquire for further information regarding this matter at any time. Office Personnel (318) 335-4466.

BP-S148.055 INMATE REQUEST TO STAFF CDFRM
SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Ms. Courville	DATE: 12/15/03
FROM: Adalberto Andrade	REGISTER NO.: 15133-265
WORK ASSIGNMENT: Kitchen	UNIT: AL-A

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I am in need of a copy of my disciplinary record while detained at Federal Detention Center. I need the said report to satisfy of 10 categories for my custody status review by the INS.
I thank you in advance for your prompt attention and response to this urgent matter. God Bless.

(Do not write below this line)

DISPOSITION:

No Discipline at this time as of 12/16/03

Signature Staff Member

Date



12/16/03

Record Copy - File; Copy - Inmate
(This form may be replicated via WF)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94



GSA FPMR (41 CFR) 101-11.2

Kelly Ann Andrade
124 Florence st
Brockton, MA 02301

With all respect I address myself to you Sir, my name is Kelly Ann Andrade, I am an America Citizen, I am writing you this letter in regard to my beloved husband Andrade (Beto) whos case is before you Sir. I am a native born U.S. Citizen of St.Luke's Hospital Middleboro, MA. I have been married my husband Andrade for almost 10 years now, and we have two beautiful daughters, Kelsey Andrade 7, and Ariana Andrade 5. I have come to realize the consequences, penalties, and seriousness I have put my husband in, my self and our kids for which I have accepted full responsibility for my jealousy. Right from the initial part of my husbands incarceration, I made a vow which has changed my attitude forever.(I will never let my jealousy come between me and my family again.) I think everyone deserves a second chance.

I am sure my husband is very sorry for what happened. I feel ashamed of the shame I have put my loving family through. I would like Sir, if you would kindly examine the facts previously presented surrounding my husbands offence and to kindly assess the particular conduct attributed to Andrade in his offence.

My husband never failed to appear on any court orders, he never defaulted on any Court order, my husband he's not a flight risk, he's not a danger to society, with almost 3 years in the prison system he has shown an impressive record of excellent behavior and respect to all prison officials and his fellow inmates, and he has also participated in all programs that are available in the F.D.C. Oakdale Louisiana.

My husband Andrade(Beto) before his arrest, had a good working record as a self-employed, truck driver. My husband Andrade has significantly outstanding family ties in the United States such as our daughters. His attitude, work history, education, personal life, behavior ,family ties, prison behavior and accomplishments while detained shows a positive rehabilitation, exemplary as you can see Sir.

In addition my husband is a devoted member who is extremely close to us, my self and my kids, a very well respected man, by my family, friends, and community members, a hard working man. always caring and a highly dedicated person who has always made a commitment to help his family in need and others. I admired every thing he did for us and for his family. Always working, always helpful,always willing, always taking care of us. I always ~~see~~ in him what I was missing, Courage,imagination, and perseverance. Despite what happened, I care and love him deeply,He still a hero. I imagine that being locked up in a place for years can be the most devastating and traumatic experience But, he still managed to have faith, strength, hopes, dreams and most important,lots of love to still find his way. I know that he learned from all of this bad experience and he is very much willing to star a new life with a new positive outlook.

It would be an understatement to say that your decision is monumental towards the future of our family. I hope and pray that God will give you strength and wisdom to make a decision to help my family.

Kelly Ann Andrade



May God Bless my children
and send there dad home,
Bless all of you in the
decision making also.



To: Whomever it may concern
From: Antonio Silva
Re: Adalberto Andrade

Dear Sir/Madam,

I am writing on behalf of Adalberto Andrade, who requested that I send a letter of recommendation to you on this behalf.

I am happy to be able to fill this request for Andrade (Beto).

By way of introduction, I know Andrade (Beto) for more than 25 years is a good man a hart working person always taking care of is family and always behave him self. Andrade loves is kids he love his wife, but as you know all married couple sometime have problem like Beto.

My name is Antonio Silva I have been in the United States for more than 15 years and I own a Record Store (Sons D'Africa USA) in Brockton MASS for more than 4 years.

I am able to give a detailed description of Andrade's efforts in contribution whit is family, and he like to help people Beto is a good man, very respectfully man.

Andrade always puts forth efforts on his family and follows through his kids school, and works to complete what he sets out to do.

I welcome any questions that you have regarding Andrade (Beto), fill free to call me at (508) 587-0781.

Antonio Silva

30th December 2003

Ch. H. Silva

To: Whomever it may concern
From: Isaura Cardoso
124 Florence Street
Brockton, MA 02301
Re: Adalberto Andrade

December 20, 2003

Whith all respect I Address myself to you may name is Isaura Cardoso. I am an American Citizen, I now Andrade (Beto) for more than 15 years. As a mature, established person I want you to know that Andrade (Beto) is a good person, and has always proved himself before me, my husband Eric, my sister, and others.

Andrade always working, very helpful, willing to taking care of his family, he love his kids, as matter of facts now he is in the custody of INS my self my husband as we know Andrade (Beto), we give lot of help to his kids and wife, and we always courage his wife Kelly, to pray for Andrade because God will send Him back to his family.

I hope that you can fund in your heart the desire to let this man live a normal life with his loved ones again, because I know Beto (Andrade) for long time and I see his wife and his daughter sufer every day light, please help him.

Thank you for you help if you have any question regarding Andrade fill free to call me at (508) 895-9282.

Isaura Cardoso

Isaura Cardoso

30th December 2003

D. A. P.

**RESTAURANTE
PANORAMA**

To: Whomever it may concern
From: Henrique Pina
Re: Adalberto Andrade

Dear Sir/Madam,

I am writing on behalf of Adalberto Andrade, who requested that I send a letter of recommendation to you on this behalf.

I am happy to be able to fill this request for Andrade (Beto).

By way of introduction, I know Andrade (Beto) for more than 25 years is a good man a hart working person always taking care of is family and always behave him self. Andrade loves is kids he love his wife, but as you know all married couple sametime have problem like Beto.

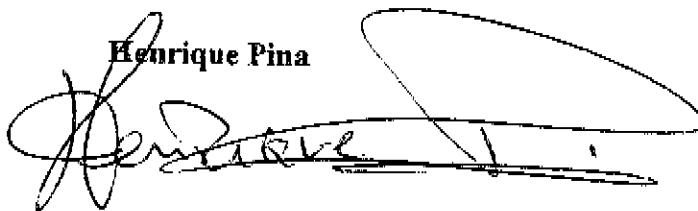
My name is Henrique Pina I have been in the United States for more than 15 years and I am an American Citizen, who own the Restaurant in Brockton MASS for more than 4 years.

I am able to give a detailed description of Andrade's efforts in contribution whit is family, and he like to help people Beto is a good man, very respectfully man.

Andrade always puts forth efforts on his family and follows through his kids school, and works to complete what he sets out to do.

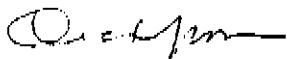
I welcome any questions that you have regarding Andrade (Beto), fill free to call me at (508) 587-0781.

Henrique Pina



30th December 2003

30th December 2003



Patient: KELLY ANDRADE, Date: 02/04/2003 Time: 12:20

South Jersey Hospital System - Emergency Department

Take this medicine with food in the following dose: 375 mg by mouth 2 times a day if needed for pain.

This medicine is a pain reliever. It may be used to relieve symptoms such as inflammation (redness and swelling), stiffness, joint pain, and other kinds of pain. Side effects may include: an upset stomach, heartburn or drowsiness. Allergy would show up as: **rash or itching, wheezing or shortness of breath.**

Follow these instructions:

- Take this medicine with food to avoid an upset stomach.
- Do not take aspirin, ibuprofen, or ketoprofen while taking this medicine. (Check the labels on over-the-counter medicines.)
- Store this medicine away from heat, moisture or direct light.
- If you miss a dose, take it as soon as possible. If it is within 4 hours of your next dose (or within 8 hours if you are taking it once or twice a day), skip the missed dose. Do not double the doses.

Call your doctor if you have:

- any sign of allergy.
- any new or severe symptoms.

YOU ARE THE MOST IMPORTANT FACTOR IN YOUR RECOVERY. Follow the above instructions carefully. Take your medicines as prescribed. Most important, see a doctor again as discussed. If you have problems that we have not discussed, **call or visit your doctor right away.** If you cannot reach your doctor, return to the Emergency Department.

"I have received this information and my questions have been answered. I have discussed any challenges I see with this plan with the nurse or physician."

KELLY ANDRADE or Responsible Person

KELLY ANDRADE or Responsible Person has received this information and tells me that all questions have been answered.

Physician/Nurse Signature

Patient: KELLY ANDRADE, Date: 02/04/2003 Time: 12:20

South Jersey Hospital System - Emergency Department
 Newcomb Division
 65 State Street
 Vineland, NJ 08360
 (856)507-8500

Discharge Instructions

Learning Needs Identified: Illness

Primary Language: English

Barriers Identified: None

Intervention for Barriers to Learning: None

Teaching Methods Used: Printed patient instruction, Verbal Instruction

IMPORTANT: We examined and treated you today on an emergency basis only. This was not a substitute for, or an effort to provide, complete medical care. In most cases, you must let your doctor check you again. Tell your doctor about any new or lasting problems. We cannot recognize and treat all injuries or illnesses in one Emergency Department visit. If you had special tests, such as EKG's or X-rays, we will review them again within 24 hours. We will call you if there are any new suggestions. After you leave, you should follow the instructions below.

You were treated today by WILLIAM DICINDIO, DO.

THIS INFORMATION IS ABOUT YOUR FOLLOW UP CARE

Call as soon as possible to make an appointment in 1 week to see DANIEL MANSKE, MD. You can reach DANIEL MANSKE at (856)451-4700, 105 MANHEIM AVE, BRIDGETON, NJ, 08302. If you have any problems before this appointment, call the office.

THIS INFORMATION IS ABOUT YOUR DIAGNOSIS ATYPICAL CHEST PAIN.

Pain in your chest may come from one of many problems. Many times we are unable to find the cause of chest pain right away.

Your symptoms, examination and EKG did not show a serious or harmful cause of the pain such as a severe heart or lung problem. The doctor feels it is safe for you to return home.

Do the following:

- Avoid activity that increases your pain.
- Pace your activity.

CALL YOUR DOCTOR OR RETURN TO THE EMERGENCY DEPARTMENT:

- if your pain is not better in 24 hours.

- if you have any new or severe symptoms.

ANXIETY (Nervousness).

Anxiety is a strong, uneasy feeling. You, like many people, have physical symptoms when you get anxious. Though you are uncomfortable, we did not find any harmful cause for your symptoms today.

Do the following:

- See your doctor regularly.
- Try ways to relax.
- Eat a balanced diet.
- Avoid stressful situations if possible.

Call your doctor if you have:

- trouble sleeping or eating.
- any new or severe symptoms.

THIS INFORMATION IS ABOUT YOUR MEDICINE

PAROXETINE (Paxil)

Take this medicine by mouth in the following dose: 20 mg (1/2 tablet) once a day in the morning.

This medicine will help you feel less depressed and will change your mood. It may take several weeks to feel less depressed. Side effects may include: an upset stomach, headache, nervousness, sleepiness or dry mouth. Allergy would show up as: rash or itching, wheezing or shortness of breath.

Follow these instructions:

- Take this medicine with food to avoid an upset stomach.
- Use caution while driving or operating machinery.
- Do not change the dose or stop taking this medicine without talking with your doctor.
- See your doctor regularly.
- Talk with your doctor before taking other medicines (including over-the-counter medicines).
- Sit or stand slowly to avoid dizziness.
- Use gum, hard candy, or ice chips for a dry mouth.
- If you miss a dose, take it as soon as possible. If it is almost time for your next dose, skip the missed dose. Do not double the doses.
- Store this medicine away from heat, moisture or direct light.

Call your doctor if you have:

- any sign of allergy.
- feelings of suicide.
- any new or severe symptoms.

NAPROXEN (Naprosyn, Anaprox, Aleve).

THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
OFFICE OF THE CITY CLERK

COPY OF RECORD OF BIRTH

REGISTERED NUMBER: 5

CHILD

Name: KELSEY ADARA ANDRADE
Date of BIRTH: JANUARY 4, 1996 Time: 4:19 AM
Sex: FEMALE
Place of Birth: BROCKTON, MA

MOTHER

Name: KELLY ANN ANDRADE
Maiden surname: DECOSTA Date of BIRTH: JULY 14, 1971
Birthplace: MIDDLEBOROUGH, MA
Residence: BROCKTON, MA

FATHER

Name: ADALBERTO -- ANDRADE
Birthplace: PRAIA, CAPE VERDE
Date of BIRTH: JUNE 6, 1964

Date of RECORD: JANUARY 23, 1996

I, the undersigned, hereby certify that I am the Clerk of the City of Brockton; that as such I have custody of the records of births required by law to be kept in my office; I do hereby certify that the above is a true copy from said records.

WITNESS my hand and the SEAL OF THE CITY OF BROCKTON at Brockton on this 26th day of JUNE 1997.



Daughter's
B/C

ANTHONY J. ZEOLI
CITY CLERK OF BROCKTON

THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
OFFICE OF THE CITY CLERK

COPY OF RECORD OF BIRTH

REGISTERED NUMBER: 536

CHILD

Name: ARRIANA LORRAINE ANDRADE
Date of BIRTH: MARCH 25, 1998 Time: 11:29 AM
Sex: FEMALE
Place of Birth: BROCKTON, MA

MOTHER

Name: KELLY ANN ANDRADE
Maiden surname: DECOSTA Date of BIRTH: JULY 14, 1971
Birthplace: MIDDLEBOROUGH, MASSACHUSETTS
Residence: BROCKTON, MA

FATHER

Name: ADALBERTO MONTEIRO ANDRADE
Birthplace: PRAIA, CAPE VERDE
Date of BIRTH: JUNE 6, 1964

Date of RECORD: MAY 20, 1998

I, the undersigned, hereby certify that I am the city clerk of the City of Brockton; that as such I have custody of the records of births required by law to be kept in my office; I do hereby certify that the above is a true copy from said records.

Witness my hand and the SEAL OF THE CITY OF BROCKTON
at Brockton on this 26th day of June 2002.

ANTHONY J. ZEOLI
CITY CLERK



The Commonwealth of Massachusetts									
STANDARD CERTIFICATE OF LIVE BIRTH									
C	Plymouth (County)		JOHN F. X. DAVOREN SECRETARY OF THE COMMONWEALTH DIVISION OF VITAL STATISTICS		Middleboro				
H	Middleboro, Ma. (City or Town)				(City or Town making this return) <i>238</i>				
I	St. Luke's Hospital of Middleboro NAME OF HOSPITAL		NAME OF HOSPITAL IF NOT IN HOSPITAL NUMBER						
L	Kelly		Ann		DeCosta				
D	3 SEX female	4 THIS BIRTH SINGLE, TWIN ETC. SPECIFY	5 IF NOT SINGLE, BORN FIRST, SECOND, ETC. SPECIFY ORDER OF BIRTH	6 DATE OF BIRTH	July 14, 1971.				
F	7 BIRTHPLACE	8 BIRTHPLACE	9 OCCUPATION	10 BIRTHPLACE	11 BIRTHPLACE	12 BIRTHPLACE	13 BIRTHPLACE	14 ATTENDANT	15 INFORMANT
A	Frederick	DeCosta, Jr.	Truck Driver	Nancy	Chelsea,	Ma.	Massasoit Avenue,	Vincent J. Cintho, M.D.	DeCosta
T	MIDDLE	LAST		MIDDLE	CITY OR TOWN	STATE OR COUNTRY	CITY OR TOWN	ATTENDANT	INFORMANT
H				O'Hare					
E				MAIDEN					
R									
CERTIFICATIONS									
14	I hereby certify that I attended the birth of this child who was born at the hour of 1:47 P.M. on the date above stated <i>Vincent J. Cintho, M.D.</i> (Signature, Physician or other attendant)			I certify that the information appearing above is true and correct <i>Nancy Louise DeCosta</i> (Signature) Mother July 15, 1971 (Relationship)					
16	FILED IN CLERK'S OFFICE	7/16/1971	17 SUPPLEMENT FILED	18	REGISTRAR				

A True Copy Attest
VICTOR S. ROSARIO
NOTARY PUBLIC
My Commission expires Dec 16, 2005
Dick J. DeCosta



DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS

(State file number)

CERTIFICATE OF MARRIAGE

BROCKTON

(City or town making return)

Registered No. 0440

1 Place of Marriage

Brockton

2 Date of Marriage September 29, 1995

This certificate must be delivered to the person before whom the marriage is to be contracted before he proceeds to solemnize the same

(Month) (Day) (Year)

Intention No. 0440

City or Town (Do not enter name of village or section of city or town)

3 FULL NAME **GROOM**
ADALBERTO MONTEIRO ANDRADE12 FULL NAME **BRIDE**
KELLY ANN DECOSTA3A SURNAME AFTER MARRIAGE **ANDRADE**12A SURNAME AFTER MARRIAGE **ANDRADE**4 DATE OF BIRTH Jun 6, 1964 5 OCCUPATION **SELF EMPLOYED**13 DATE OF BIRTH Jul 14, 1971 14 OCCUPATION **AT HOME**6 RESIDENCE **182 GREEN ST.**15 RESIDENCE **182 GREEN ST.**NO. & ST. **NO. & ST.**NO. & ST. **NO. & ST.**CITY/ **BROCKTON** MA ZIP **02401**CITY/ **BROCKTON** MA ZIP **02401**TOWN **TOWN**TOWN **TOWN**ST. **ST.** CODE **CODE**ST. **ST.** CODE **CODE**IN D. ed of N. **7 NUMBER OF MARRIAGE** **8 WIDOWED OR DIVORCED**16 NUMBER OF MARRIAGE **17 WIDOWED OR DIVORCED**(1st, 2nd, 3rd, etc.) **1ST** **--**(1st, 2nd, 3rd, etc.) **1ST** **--**9 BIRTHPLACE **CAPE VERDE**18 BIRTHPLACE **MIDDLEBOROUGH MA**(City or town) **(State or country)**(City or town) **(State or country)**10 MAIDEN NAME **LIBANIA ANDRADE**19 MAIDEN NAME **NANCY O'HARE**

(Name of mother)

(Name of mother)

11 NAME OF FATHER **---**20 NAME OF FATHER **JOHN DECOSTA, JR.**21 THE INTENTION OF MARRIAGE by the above-mentioned persons was duly entered by me in the records of the Community of **BROCKTON** according to law, this **18TH SEP 1995** day of **SEP 1995**

COURT WAIVER Issued **September 26, 1995** by **Anthony J. Zeolin** (City or town Clerk or Notary)

AGE ORDER **(Month) (Day) (Year)**

22 I HEREBY CERTIFY that I joined the above-named persons in marriage at No. **450 Atlantic** (If marriage was solemnized in a church, give its NAME instead of street and number) on **September 29, 1995** (Month) (Day) (Year)

Signature **Anthony J. Zeolin** Official station **Anthony J. Zeolin**
ANTHONY J. ZEOLIN (Print or type name) (Minister of the Gospel, Clergyman, Priest, Rabbi, or Justice of the Peace)

Residence No. **14 SNELL AVE.** St., City or Town of **BROCKTON**23 Certificate recorded by city or town clerk **September 29, 1995** (Month) (Day) (Year) CLEARED FOR RECORD

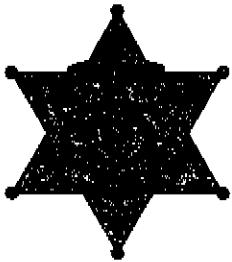
I certify that I am the City Clerk of Brockton, MA and I have custody of records of births, marriages, and deaths required by law to be kept in my office, and I certify that the above is a true copy from said records.

WITNESS MY HAND AND SEAL OF THE CITY OF BROCKTON THIS 29th DAY OF SEPTEMBER 1995
FEE \$5.00

Anthony J. Zeolin
ANTHONY J. ZEOLIN CITY CLERK

A True Copy Attest
VICTOR S. ROSARIO
NOTARY PUBLIC
My commission expires Dec 16, 2005

Dick J. Zeolin



POINTE COUPEE PARISH SHERIFF'S OFFICE

POST OFFICE BOX 248 * NEW ROADS, LOUISIANA 70760

SHERIFF
(225) 638-5400
1-800-256-1235
FAX (225) 638-5403

CIVIL
(225) 638-5400
1-800-256-1235
FAX (225) 638-5420

CRIMINAL/D.C.
(225) 638-5407
1-800-256-1233
FAX (225) 638-5408



PAUL RAYMOND SMITH
SHERIFF AND
EX OFFICIO TAX COLLECTOR

March 26, 2004

To Whom It May Concern:

Re: ALBERTO ANDRADE A76 487 012

This letter is being forwarded concerning the conduct of the above referenced detainee presently housed in the Pointe Coupee Parish Detention Center. Alberto is a model prisoner. He follows instructions and directions well.

Alberto has maintained an excellent conduct record while confined at this facility. He has never been cited as being a security risk and his file remains free of any disciplinary convictions. He gets along well with fellow inmates and is very respectful to the staff. Alberto has been an excellent worker. He is a Kitchen Trustee.

Please feel free to contact this department should further information be required concerning this subject.

Sincerely,


Barry Patterson
Warden

BP/pac

EXHIBIT 2.

Decision to Continue Detention



U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

1010 East Whatley Road
Oakdale, Louisiana 71463

A76487012

Adelberto Andrade
10933 Cajun 2 Road
New Roads, La. 70760

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of the Bureau of Immigration and Customs Enforcement (Bureau) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to the Bureau's reviewing officials.

You are a native and citizen of Cape Verde. You entered the United States on October 9, 1988, at or near Boston, Mass. as a Non-Immigrant. You adjusted your status to that of an LPR on June 19, 1998, based on your marriage to Anne Kelly. You were convicted in Brockton, Mass. for the offense of possession of a firearm without a firearm I.D. card, violation of a protective order, and assault and battery in the state of Massachusetts. You were sentenced to one year imprisonment.

You have filed for several petitions and have had several stays of deportation. These have been denied and lifted in all courts except the 5th Circuit Court of Appeals in La. It appears you are using every means possible to delay your removal to Cape Verde. The fact your conviction involves a weapon and the fact a travel document to Cape Verde can be obtained makes you a danger to society, as well as a flight risk. It is for these reasons that you will remain in detention.

Harvey F. Hester OTC
Signature and Title of Deciding Official mmmm

03/09/04
Date